

NICKEL ET AL. -- 10/686,809  
Attorney Docket: 051744-0306034

RECEIVED  
CENTRAL FAX CENTER  
SEP 18 2006

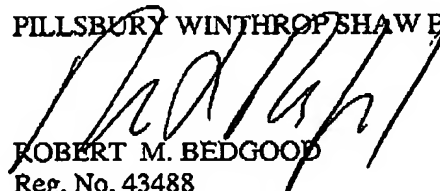
In response to the Office Action mailed June 16, 2006, in connection with the above-identified application, Applicant's further elect, with traverse, the compound of D 24851, i.e., N-(pyridine-4-yl)-[1-(4-chlorobenzyl)-indole-3-yl]glyoxylamide, namely indibulin, as the respective single species, for prosecution in the above-identified application. This election of species is readable on pending claims 14-29.

#### CONCLUSION

Please charge any fees associated with the submission of this paper to Deposit Account Number 033975, Attorney Docket No. 051744-0306034. The Commissioner for Patents is also authorized to credit any over payments to the above-referenced Deposit Account.

Respectfully submitted,

PILLSBURY WINTHROP SHAW PITTMAN LLP

  
ROBERT M. BEDGOOD  
Reg. No. 43488  
Tel. No. 858.509.4065  
Fax No. 858 509.4010

Date: September 18, 2006  
P.O. Box 10500  
McLean, VA 22102  
(703) 770-7900

#### CERTIFICATION UNDER 37 C.F.R. §§ 1.8 and/or 1.10\*

(When using Express Mail, the Express Mail label number is mandatory; Express Mail certification is optional.)

I hereby certify that, on the date shown below, this paper (along with any paper referred to as being attached or enclosed) is being facsimile transmitted to the Patent and Trademark Office, (571) 273-8300.

Date: September 18, 2006

  
Signature

ROBERT M. BEDGOOD

(type or print name of person certifying)

\* Only the date of filing (§ 1.6) will be the date used in a patent term adjustment calculation, although the date on any certificate of mailing or transmission under § 1.8 continues to be taken into account in determining timeliness. See § 1.703(f). Consider "Express Mail Post Office to Addressee" (§ 1.10) or facsimile transmission (§ 1.6(d)) for the reply to be accorded the earliest possible filing date for patent term adjustment calculations.